

**AIR RESOURCES COUNCIL
MINUTES OF MEETING #258
04/08/2019**

MEMBERS PRESENT: Chairman Robert Duval, Vice-Chair David Collins, Elizabeth Tillotson, J. Ryan Bielagus, David Cribbie

MEMBERS NOT PRESENT: Georgia Murray, Kris Blomback and Mark Lambert

NHDES – ARD PERSONNEL: Director Craig Wright, Assistant Director Mike Fitzgerald, Sheri Eldridge, Gary Milbury, James Tilley, Barbara Dorfschmidt and Cathy Beahm.

Cathy Beahm

OTHERS PRESENT: Shelley Marshall

**MEMBERS OF
THE PUBLIC PRESENT:** Janet Ward from Hopkinton

Call to Order:

Robert Duval called Meeting #258 of the Air Resources Council (ARC) to order at 9:03 a.m. on Monday, April 08, 2019. Chair Robert Duval announced that a quorum of the ARC was present.

Approval of Minutes:

A motion to approve the minutes of meeting #257 was moved by Vice Chair David Collins and seconded by David Cribbie. Air Council all in favor.

Division Activities and Legislative Update:

Chairman Robert Duval introduced Director Craig Wright of the Air Resources Division (ARD). Director Craig Wright briefly updated members of the ARC regarding issues relative to the ARD, including:

Permitting Update:

Title V Operating Permit for Wheelabrator Concord: On September 5, 2018, the Air Resource Council (ARC) issued a Decision and Order on the State's Motion to dismiss the appeal of Kaplan et. al, ARC denied the appeal. On November 26, 2018, the ARC denied a Motion for reconsideration on the September 5th decision. NHDES subsequently requested EPA to re-initiate its 45-day review of the Proposed Title V Operating Permit, starting on November 29, 2018. However, due to the federal government shutdown, review of the Proposed Permit was delayed. EPA finally completed its 45-day review, and the final Title V Operating Permit was issued on January 24, 2019. On March 14th, the appellants filed a Title V Petition with the USEPA. This is now in EPA's hands until they make a decision on the Petition. For frame of reference, it took approximately one year for USEPA to make a determination on the Title V Petition for Schiller Station; So this will take some time.

Environmental Health Program Update:

- PFAS Health Fair – April 3rd, Merrimack: On April 3rd, the Division of Public Health Services at DHHS hosted a PFAS Health Fair in Merrimack. The public was invited to meet with community partners, who provided information and discussed community concerns about the potential health impacts of Per- and Polyfluoroalkyl Substances (PFAS). This “health fair” approach differs from traditional public information meetings in that it includes a broader array of perspectives and experiences from various sectors. Dr. Jonathan Ali of the Environmental Health Program attended to answer questions about the recently proposed PFAS standards, and Cathy Beahm attended to answer questions about air emission controls for PFAS.

The mix of state and federal government agencies, environmental advocacy groups, academic institutions, and other participating partners included:

- ATSDR (Agency for Toxic Substances and Disease Registry)
 - Department of Environmental Services - Air Emissions, Hazardous Waste Site Remediation, PFAS Standards, Water Testing and Treatment, and Waterline Connections
 - Department of Health and Human Services - Biomonitoring, Chronic Disease Section, Environmental Public Health Tracking Program, and Public Health Lab (water testing)
 - NH State Cancer Registry
 - Dartmouth - Children’s Environmental Health & Disease Prevention Research Center, and Toxic Metals Superfund Research Program
 - North Carolina State University
 - Silent Spring Institute
 - Norris Cotton Cancer Center
 - Merrimack Citizens for Clean Water
 - NH Safe Water Alliance
 - Water Warriors
- Health Consultation – Pease Tradeport: On April 1st, 2019 the Agency for Toxic Substances and Disease Registry (ATSDR) released the Health Consultation report “Per- and Polyfluoroalkyl Substances (PFAS) in the Pease Tradeport Public Water Supply in Portsmouth, Newington, and Greenland, NH.” The release of the report initiates a public comment period, which ends June 3, 2019. The press release and Fact Sheet are available from: <https://www.atsdr.cdc.gov/news/displaynews.asp?PRid=2667> and https://www.atsdr.cdc.gov/HAC/pha/pease/A_FS_PeaseTradeport-508.pdf.

ATSDR staff is attending the Portsmouth City Council and Newington Selectboard meetings on April 15 and 16, 2019, to discuss the Health Consultation’s findings and recommendations. They will also be available at Great Bay Community College all day on April 16th, 2019 where the public can attend and ask questions.

Rules: Env-A 1200 Volatile Organic Compounds (VOC) Reasonably Available Control Technology (RACT)

Cathy Beahm, SIP Planning Administrator

Barbara Dorfschmidt, Operating Permits Program Manager

Env-A 1200, which requires the use of reasonably available control technology (RACT) by certain sources of volatile organic compound (VOC) emissions, is due to expire June 1, 2019, unless readopted prior to that date. ARD is proposing to readopt this rule with a few clarifying amendments.

J. Ryan Bielagus motioned to approve a 15-day review of Env-A 1200 and David Cribbie second the motion. All were in favor.

Compliance Update:

Chair Robert Duval introduced Sheri Eldridge who is the new Administrator IV for the Air Resource Division Compliance Bureau. Sheri gave a brief update. Sheri explained that James Tilley gave the last Compliance update to the Air Council back on November 19th, 2019. Compliance update since last reported is as follows:

39 referrals were sent to the Enforcement Section (32 stationary source/1 open burning/5 asbestos)
23 enforcement actions were issued, executed, or completed

Enforcement actions by action type and source					
	Stationary Source	Asbestos	Open Burning	Asbestos/Open Burning	Other
NPV	9	1	-	-	-
LOD	6	-	-	-	-
AFC/NPF	1	1	2	-	1
AO/AOC	2	-	-	-	-
NH DOJ	-	-	-	-	-

- Stationary source AFC was \$3,000 with \$1,000 suspended for 2 years for exceeding TCE AAL for 4 days and fail to report permit deviation
- Asbestos-related AFC was \$7,500 with \$3,750 suspended for 2 years for failure to inspect, notify and follow appropriate procedures
- Open burning administrative fines (1) paid of \$851 for burning nonconforming materials and (2) Notice of Fine of \$2,000 for burning construction and demo debris with hearing sometime at the end of April.
- “Other” administrative fine was \$1,501 for a fugitive dust violation during road construction/sweeping.
- Stationary source AOs (1) for not demonstrating compliance with revised AAL for TCE as required by compliance plan in permit; facility in compliance by deciding to not use TCE any longer and (2) to require PFAS testing.

5 “No Action Taken” memos were completed

New Business:

There was no new business to report.

Public Commentary:

Janet Ward from Hopkinton was present and had a question for Director Craig Wright. She said that Director Wright had stated that at the Transportation and Climate Initiative (TCI) meeting, they were hoping to have a policy written by the end of 2019, and that Director Wrights commented on how he felt that that was aggressive; Ms. Ward wanted Director Wright to elaborate on his statement. Director Wright explained how he felt that it was a very short timeframe to develop a very big policy decision.

Adjourn: Having no further business to discuss, a motion to adjourn was made by Elizabeth Tillotson and, seconded by J. Ryan Bielagus. All were in favor. Meeting #258 of the Air Resources Council adjourned at 10:03 a.m. on Monday, April 8th, 2019.